

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION

SHIRLEY HELLER, )  
Administratrix of the estate of )  
Wayne Heller, Deceased, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
AA RECOVERY, INC. and )  
MARVIN C. JEFFERS, )  
 )  
Defendants. )  
\_\_\_\_\_ )

C.A. NO. 5:05-CV-2880-RBH

**ORDER**

Pending before the Court is Defendants' Motion in Limine to Exclude Evidence of Defendant's Motor Vehicle Records and Criminal Records and Wayne Heller's Death Certificate [Docket Entry #36]. No response to this Motion, which was filed on December 12, 2006, has been filed.

Defendants first seek to exclude the individual Defendant's motor vehicle records and criminal record. Second, Defendants seek to exclude Wayne Heller's death certificate on the basis that no records custodian affidavit was filed with this document to authenticate its form and contents and that the death certificate contains inadmissible hearsay.

As to the motor vehicle records and criminal record, because the Plaintiff filed no response to this Motion, the Motion is granted with regard to the motor vehicle records and criminal record.

As to the death certificate, the Court reserves ruling on that issue because the death certificate may be self-authenticating and admissible under one of the exceptions to the hearsay rule.

**IT IS SO ORDERED.**

(Signature Page to Follow)

s/ R. Bryan Harwell

R. Bryan Harwell

U.S. District Judge

February 27, 2007